



Paper No. 12

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**JUL 1 1 2003**

**OFFICE OF PETITIONS**

In re Application of  
Anderson et al.  
Application No. 09/995,257  
Filed: November 27, 2001  
Attorney Docket No. 21652.CIP1

DECISION ACCORDING  
STATUS UNDER  
37 CFR 1.47(b)

This decision concerns the March 24, 2003 renewed petition under 37 CFR 1.47(b), supplemented with additional information and documents on July 2, 2003 (Certificate of Mailing date June 26, 2003).

The renewed petition is **GRANTED**.

The previous petition under 37 CFR 1.47(b), filed on June 19, 2002, was dismissed on September 16, 2002, in that, it did not include an oath or declaration executed by the proper party, e.g., assignees of the entire interest in the claimed invention, or one who otherwise had acquired sufficient proprietary interest in the application.

The instant renewed petition is accompanied by:

- (1) A copy of assignment, indicating transfer, on April 8, 2003, by the State of Florida Department of Citrus, one of the two former co-assignees of the rights in this application, of its undivided interest in this application to the other co-assignee, Idaho Potato Commission, rendering the latter the assignee of the entire interest in this application;
- (2) A "Statement under 37 CFR 3.73(b)" executed by an officer of the current assignee of the entire interest, Idaho Potato Commission;
- (3) A declaration, executed by an officer of Idaho Potato Commission, to supplement the original declaration filed on June 19, 2002.

The "Supplemental Declaration and Petition of Patrick J. Cole under 37 CFR 1.47(b)" submitted with the instant renewed petition, in conjunction with the "Declaration for Utility or Design Patent Application (37 CFR 1.63)," is hereby accepted.

The application is now complete.

As provided in 37 CFR 1.47(c), the Office will forward notice of the filing of this application to each of the non-signing inventors at his/her last known address indicated in the exhibits of the June 19, 2002 petition:

Kim A. Anderson  
Director, Food Safety and Environmental Stewardship Program  
Oregon State University  
Corvallis, OR 97331-7301

Brian Smith  
7555 NW McDonald Circle  
Corvallis, OR 97330

Bernadene Magnuson  
Assistant Professor  
Dept of Nutrition and Food Science  
3304 Marie Mount Hall  
University of Maryland  
College Park, MD 20742-7521

Notice of the filing of this application will also be published in the *Official Gazette*.

A second supplemental declaration complete with the last known address and citizenship of each of the inventors should be submitted along with the response to the first Office action on the merits.

The application file is being forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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Bernadene Magnuson  
Assistant Professor  
Dept of Nutrition and Food Science  
3304 Marie Mount Hall  
University of Maryland  
College Park, MD 20742-7521

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In re Application of  
Anderson et al.  
Application No. 09/995,257  
Filed: November 27, 2001  
For: IDENTIFICATION SYSTEM AND  
METHOD FOR DETERMINING THE  
GEOGRAPHIC ORIGIN OF A FRESH  
COMMODITY

LETTER

Dear Ms. Magnuson,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a) (Rules of Practice for the United States Patent and Trademark Office [USPTO]). Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost pursuant to 37 CFR 1.19), or make your position of record in the application. Alternatively, you may do any of the aforementioned through an attorney or agent registered to practice before the USPTO and presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding this application should be directed to the File Information Unit at (703) 308-2733. For information on how to order a copy of the application or a specific paper in the application, contact the Certification Division at (703) 308-9726 or 1-(800) 972-6382 (outside the Washington DC area). Telephone inquiries regarding this letter should be directed to the undersigned at (703) 308-0763.

RC Tang  
Petitions Attorney  
Office of Petitions  
Office of the Commissioner  
for Patents

cc: Jacqueline E. Hartt, Ph.D.  
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
PO Box 3791  
Orlando, FL 32802



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Brian Smith  
7555 NW McDonald Circle  
Corvallis, OR 97330

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**OFFICE OF PETITIONS**

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Application No. 09/995,257  
Filed: November 27, 2001  
For: IDENTIFICATION SYSTEM AND  
METHOD FOR DETERMINING THE  
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COMMODITY

LETTER

Dear Mr. Smith,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a) (Rules of Practice for the United States Patent and Trademark Office [USPTO]). Should a patent be granted on the application, you will be designated therein as a joint inventor.

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Kim A. Anderson  
Director, Food Safety and Environmental Stewardship Program  
Oregon State University  
Corvallis, OR 97331-7301

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Filed: November 27, 2001  
For: IDENTIFICATION SYSTEM AND  
METHOD FOR DETERMINING THE  
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COMMODITY

LETTER

Dear Ms. Anderson,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a) (Rules of Practice for the United States Patent and Trademark Office [USPTO]). Should a patent be granted on the application, you will be designated therein as a joint inventor.

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